



PATENT
Docket No. 278012001420

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EV 847893475 US

Date of Deposit: March 9, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Grace Yu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Carlos F. BARBAS, III et al.

Serial No.: 09/765,555

Filing Date: January 19, 2001

For: METHODS AND COMPOSITIONS TO
MODULATE EXPRESSION IN
PLANTS

Confirmation No.: 1190

Examiner: M. Ibrahim

Group Art Unit: 1638

**STATEMENT TO SUPPORT FILING AND SUBMISSION
IN ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825 AND §§ 1.52(e) AND 1.96(c)**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned hereby states that the contents of the computer readable version in CD-R format (labeled "CRF") of the Sequence Listing and the paper copy (pages 1-25) of the Sequence Listing, submitted in accordance with 37 C.F.R. §§ 1.821-1.825, § 1.52(e) and § 1.96(c), respectively, are the same. The submission includes no new matter.

Please note that Applicants have enclosed a compact disc labeled "CRF" and a paper copy of the Sequence Listing (pages 1-25). Applicants request consideration and entry of the

Sequence Listing paper copy and computer readable copy. Pursuant to 37 C.F.R. 1.77, please enter the paper copy of the Sequence Listing after the Abstract.

Listed below are the particulars of the compact disc containing the Sequence Listing:

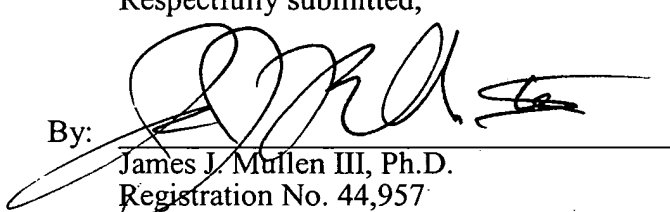
1. Machine Format: IBM-PC
2. Operating System Compatibility: PC-DOS/MS-DOS
3. List of Files: Sequence Listing
4. Size in bytes: 61,440 bytes
5. Date of creation: August 25, 2005.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required as a result of this statement, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due to our **Deposit account no. 03-1952** referencing 278012001420. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: March 9, 2006

By:


James J. Mullen III, Ph.D.
Registration No. 44,957

Morrison & Foerster LLP
3811 Valley Centre Drive,
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-7940
Facsimile: (858) 720-5125